



CITY PLANNING COMMISSION

May 26, 2004/Calendar No. 35

C 020666 ZMQ

IN THE MATTER OF an application submitted by Lawrence Avroch, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11b, establishing within an existing R2 District a C1-2 District bounded by Francis Lewis Boulevard, a line 250 feet northerly of the Horace Harding Expressway, a line midway between Francis Lewis Boulevard and 201st Street, and a line 150 feet northerly of the Horace Harding Expressway, Borough of Queens, Community District 11, as shown on a diagram (for illustrative purposes only) dated January 26, 2004.

The application for an amendment to the Zoning Map was filed by Lawrence Avroch on June 6, 2002, to establish a new C1-2 district within existing R2 district to facilitate construction of an office building.

BACKGROUND

The proposed Zoning Map amendment to establish a C1-2 district within an existing R2 district will permit construction of a two-story, 6,264 square foot office building with 10 parking spaces. The area requested to be rezoned is approximately 10,000 square feet and is located on the east side of Francis Lewis Boulevard at the intersection of Hollis Court Boulevard and north of the service road for the Horace Harding Expressway in Bayside, Queens. The rezoning area consists of three lots which the applicant owns (Block 7451, Lots 45, 46 and 48 totaling 7,760 square feet) and extends into a narrow portion of the abutting lots (Lots 49, 23, 25, 27 and 29 totaling 2,090 square feet). The site is currently occupied by a legal, non-conforming real estate office which is owned and operated by the applicant. The existing office is one-story and contains about 750 square feet of floor area. The remaining portion of the rezoning area is vacant and used for parking accessory to the real estate office.

The area west and south of the rezoning site is zoned R3-2 with C1-2 overlay districts mapped along Francis Lewis Boulevard, Hollis Court Boulevard and the Horace Harding Expressway service road. These blocks are developed with a shopping center and accessory parking lot, a drive-thru restaurant, professional offices, gas station and a two-store medical office building. The area north and east of the rezoning site is zoned R2 and developed with single-family, detached homes. Four lots that abut the rezoning site (Lots 23, 25, 27 and 49) are residentially developed.

The proposed C1-2 overlay would extend beyond the applicant's property east 1.5 feet into Lots 23, 25 and 27 and north 10 feet into Lot 49. The adjacent lot south of the site (Lot 29) is developed with a two-story medical office building. The proposed C1-2 overlay district would extend beyond the applicant's property south 10 feet into this lot.

The applicant proposes to retain the existing real estate office structure and construct a two-story, 6,264 square foot office building with ten accessory parking spaces. The proposed C1-2 overlay district would permit office and local convenience retail uses in Use Group 6 and bring the existing real estate office into conformance.

ENVIRONMENTAL REVIEW

This application (C 020666 ZMQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 02DCP062Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on January 26, 2004.

UNIFORM LAND USE REVIEW

This application (C 020666 ZMQ) was certified as complete by the Department of City Planning on January 26, 2004, and was duly referred to Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 11 held a public hearing on this application on March 1, 2004, and on that date, by a vote of 20 to 10 with no abstentions, adopted a resolution recommending disapproval of the application with the following comments:

The Board discussed concerns with additional traffic congestion, noise, and the impact on the residential community.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on May 5, 2004. However, the Borough President's recommendation was submitted after the 30-day review period.

The Borough President's recommendation included the following condition:

The proposed C1-2 overlay should be limited to the applicant's property (Lots 45, 46 & 48) and not overlap onto the adjacent residential properties (Lots 23, 25, 27 & 49).

City Planning Commission Public Hearing

On April 14, 2004 (Calendar No. 8), the City Planning Commission scheduled April 28, 2004, for a public hearing on this application (C 020666 ZMQ). The hearing was duly held on April 28, 2004 (Calendar No. 14). There were two speakers in favor of the application.

The owner of the property described the proposed office development and responded to questions from the Commission about opposition to the proposal expressed at the community board hearing, the adequacy of the accessory parking being provided and the uses intended to occupy the new building. The applicant's engineer spoke about the appropriateness of the proposed use to the site and answered questions from the Commission about parking requirements and parking layout within the proposed development site.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map, as modified herein, is appropriate.

The proposed rezoning action would expand an existing C1-2 overlay district in order to permit

development of a two-story office building. The rezoning site is located on Francis Lewis Boulevard just 160 feet north of a major east/west arterial, the Horace Harding Expressway. Francis Lewis Boulevard, itself, is a 106-foot wide north/south roadway that intersects with another 100-foot-wide roadway, Hollis Court Boulevard, in front of the subject rezoning site. The Commission notes that there are existing C1-2 overlay districts mapped along these major thoroughfares and that these districts are developed with active and viable commercial uses. The Commission also notes that the rezoning site is immediately adjacent to a two-story medical office building and a gas station and, with the exception of the small, one-story commercial building that has been on the site since 1936, the subject site has been vacant and untended until recently. The Commission understands that under the existing R2 zoning, development on the subject site would be limited to single-family, detached homes.

The Commission acknowledges that the site's location on a major roadway near the expressway and the surrounding commercial development makes it an appropriate area into which the existing C1-2 overlay district could expand. The proposed C1-2 overlay would permit development of a two-story office, similar in character to the adjacent commercial use and bring the existing real estate office into conformance.

The Commission carefully considered the issues of additional traffic congestion, noise and the impact on the residential community raised at Community Board 11's public hearing, outlined in a letter to the Director of the Department of City Planning dated March 2, 2004 and in a committee report dated February 17, 2004. The Commission is aware that as part of the environmental review, traffic and noise impacts were analyzed. It was determined that the proposed rezoning action would not have any potentially significant traffic or noise impacts.

The Commission shares the concerns of both the community board and the Borough President that the C1-2 overlay as proposed would extend into lots that are developed with single-family homes. For this reason, the Commission has modified the application to exclude all portions of the adjacent residential lots from the rezoning area. Although the portions of the residential lots included in the original application are not large enough to permit commercial development, the modification of the rezoning ensures that commercial development cannot occur on the residential properties.

The Commission believes that establishing a C1-2 overlay along Francis Lewis Boulevard up to the applicant's northern and easterly property lines would be consistent with existing land uses in the area and with the character of the neighborhood.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 11b, establishing within an existing R2 District a C1-2 District bounded by Francis Lewis Boulevard, a line 240 feet northerly of the Horace Harding Expressway, a line 100 feet westerly of 201st Street, and a line 150 feet northerly of the Horace Harding Expressway, Borough of Queens, Community District 11, as shown on a diagram (for illustrative purposes only) dated January 26, 2004 and modified on May 26, 2004.

The above resolution (C 020666 ZMQ), duly adopted by the City Planning Commission on May 26, 2004 (Calendar No. 35), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, ESQ., Vice-Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

RICHARD W. EADDY, ALEXANDER GARVIN, CHRISTOPHER KUI,

JOHN MEROLO, DOLLY WILLIAMS, Commissioners